F 478

THE Rules and Orders OF THE COURT OF COMMON-PLEAS, MADE

Since his Majestie's Restauration:

Taken from the Originals of the said Court,

WITH

The Allowance and Approbation of

The Right Honourable

THE

Lord Chief Justice *NORTH*,

AND

The Judges of that COURT.

London, Printed by the Assigns of *Richard* and *Edward Atkyns*, Esquires, for *Robert Pawlet*, at the Bible in *Chancery-Lane* near *Fleet-street*, 1682.

WE do Approve that *Robert Pawlet* ſhall Print the Rules of the Court of *Common-Pleas*.

December 17th. 1682.

Fra. North.
Hugh Wyndham.
J. Charlton.
Creſwell Levinz.

F 478

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Since his Majeſtie's Reſtauration:

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BRITISH
MUSEUM

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THE

THE Rules and Orders OF THE COURT OF COMMON-PLEAS,

Made ſince his Majeſtie's Reſtauration.

De Termino *Hil.* 13 & 14 *Car.* 2. R.

Rules Concerning Bayles.

THat Writs of *Habeas Corpus* directed to the inferiour Courts of *London*, *Weſtminſter*, *Southwark* and other Courts, within five Miles of *London* may be returnable immediate. And

if the Defendant intendeth to be bayled, then upon or within four days after allowance of the Writ, the day of which allowance being endorſed by ſuch Officer as allows the ſame on the back of the ſaid Writ, notice is to be given in writing of the names and additions of the Bayle, the time when, and the Judge before whom the ſame is intended, to be put into the Plaintiff or his Attorney, or him that cauſed the plaint to be entred, or if none can be found, then notice of the premiſſes to be left in writing with the Cheif Clarke of the inferiour Court, or his Deputy by the party that tenders the Bayle or his Attorney, and Oath made thereof, otherwiſe the Bayle not to be taken, And a *procedendo* granted if deſired before Bayle excepted. That if no Bayle in ſuch cauſes be put in within eight days after the *Habeas Corpus* allowed in thoſe Courts, when it is retornable immediate a *procedendo* may be granted by any Judge of this Court if deſired before Bayle taken. And if Bayle be taken in the abſence of the Plaintiff or his Attorney, the ſame is to be taken *de bene eſſe*. And if no exception be taken within twenty days after the Bayle taking, notice having been given as aforeſaid, then the Bayle

Bayle to be delivered out to be filed. That if Bayle upon a *Habeas Corpus* be taken before a Judge at his Chamber and not diſſaſſented unto, if not filed within four days after the twenty days a *procedendo* may be granted upon Certificate that it is not filed. That in Term-time the Plaintiff in the inferiour Court may ſpeed the Defendant to put in and to file his Bayle by rules given in the Bill of Pleas. And if not filed according to the rules upon Certificate thereof a *procedendo* to be granted. That all Writs of *Habeas Corpus* retornable in Court be retornable at a day certain. That upon Bayle taken of perſons in Cuſtody the Judges Clarke to deliver the Bayle to the Prothonotarie to be filed if aſſented unto. And to that end the Prothonotarie's fees to be depoſited, but the Priſoner not to be diſcharged untill the Bayle be aſſented unto, or overruled in open Court.

Orl. Bridgman.
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Hil. 14 & 15 *Car.* 2. R.

Concerning Sheriffs for makeing Deputies and returning of Writs.

IT is ordered that every Sheriff ſhall make and cauſe to be entred on Record a ſufficient Deputy, to receive all manner of Writs and proceſs, under the pains and penalties mentioned in the Statute in that behalf, made in the 23th. year of the Reign of the late King *Henry* the Sixth, which Law ſhall be henceforth duely put in execution. And it is further ordered that the ſaid Sheriffs, or their ſufficient Deputies, ſhall give their perſonal attendence in *Weſtminſter-Hall* daily in the Term-time, that ſo they may with the more convenience diſpatch thoſe ſervices which appertain to their Offices reſpectively. And that no Sheriff, or Sheriffs Deputy, ſhall deliver or make, or cauſe or ſuffer to be delivered or made, any Warrant or Warrants before the Writ or Writs be duely ſued forth and delivered to the ſaid Sheriffs or their Deputies reſpectively. Neither ſhall the ſaid Sheriffs nor their Deputies deliver or cauſe or ſuffer to be

be delivered, any blanck Warrants. Nor ſhall any Clarke or Attorney of this Court, receive or procure to be made any ſuch blanck Warrants, upon pain of ſevere puniſhment, and fine to be impoſed upon the ſaid Sheriffs and their Deputies, and utter expulſion of the ſaid Clarks or Attorneys reſpectively offending in the premiſſes.

Orl. Bridgman.
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Hil. 14 & 15 *Car.* 2. R.

Concerning Attorneys ſuffering others to Practiſe in their Names.

WHereas every Attorney of this Court, as well by his Oath and the duty of his place, as under divers penalties by ſpecial Acts of Parliament, and former orders of this Court being reteyned to be Attorney for any perſon or perſons Demandant or Plaintiff Tenant

nant or Defendant, in any action or ſuite in this Court is bound to deliver or cauſe to be delivered his Warrant of Attorney to the Officer or his Deputy, ordeyned for the receipt and entrey thereof in this Court. And whereas by the Statute made in the third year of the Reign of our late Sovereign Lord King *James*, It is enacted that no Attorney ſhall permit any other to follow any ſuite in his Name. And that every Attorney ſo doing; ſhall be excluded from being an Attorney for ever thereafter. And whereas by order of this Court, every Attorney of this Court, ought to appear in perſon upon or before the fourteenth day of *Michaelmas*-Term, and upon or before the ſeventh day of every other Term, upon pain of Ten-ſhillings for the firſt default, Twenty-ſhillings for the ſecond default, and putting out of the Roll for the third default, and that the appearances ſhould be entred with the Clarke of the Warrants, and that the name of the defaulters ſhould be delivered to the Court by the Clarke of the Warrants or his Deputy, within three days after the time required for appearances. Notwithſtanding all which Laws and Orders through the diſorderly practice

and

and negligence of divers Attorneys of this Court, especially of the younger sort for want of their Attendence upon their Office of Attorney here in Court, and permitting others to practise in their names, and neglect to deliver their Warrants of Attorney to be filed, and entred of Record, very many great inconveniences, troubles and Errors have been found and arisen of late time more than formerly, to the scandal of the Court, and of the honest Attorneys practising therein, and the great prejudice and loss of many of his Majestie's good Subjects, as well Plaintiffs as Defendants, Demandants and Tenants in their suits depending in this Court.

For Remedy of which Mischiefs and inconveniences, and for avoyding of Errors for the time to come. It is forbidden by the Justices of this Court upon pain of expulsion from this Court, that no Attorney of this Court permit any other to practise in his name. And it is further declared and ordered by this Court, that every Attorney of this Court do from henceforth appear in person within the times in every Term before limited and expressed under the penalties before mentioned for their defaults. And that every Attorney

of

of this Court do file his Warrants of Attorney of the Term, wherein any exigent is awarded, demurrer or Iſſue Joyned, or Judgment entred, or which of them ſhall firſt happen upon pain of forty-ſhillings for every time he offendeth, and be attainted by due examination made by the Juſtices of this Court, ſuch Warrant to be filed upon or before the Eſſoyn day of every Trinity-Term, and within the ſpace of one and twenty days next after the end of every other Term. And that no Officer of this Court do make or ſuffer to be made any proceſs or entrey in the name of any perſon not ſworn an Attorney, nor entred in the Roll of Attorneys, or in the name of any perſon put out of the Rolls of Attorney, either as a diſcontinuer or for any miſdemeaner, or by Rule of Court after notice thereof given to ſuch Officer by the Clarke of the Warrants of this Court for the time being or his Deputy, and for the better effecting the due obſervance of this preſent order. It is laſtly ordered that the Clarke of the Warrants of this Court for the time being or his Deputy, or the perſon appointed yearly by the Court to give information to the Court from time to time of Breaches of Orders and

miſ-

miſcarriages of Officers, Clarks and Attorneys in every *Michaelmas*-Term, or oftner if required, ſhall and may preſent to the Court from time to time the name and names of every Attorney or Attorneys offending againſt this Order. To the intent that the Court may examine every Attorney complained againſt concerning any of the matters before rehearſed, and upon attainting any ſuch Attorney upon due examination had, may inflict ſuch puniſhment by fine, impriſonment or expulſion as the Caſe ſhall require, or give directions for informations to be exhibited againſt the moſt frequent and notorious offenders for the greater penalties mentioned in the Statute thereof made and provided.

Orl. Bridgman.
Rob. Hyde.
Tho. Tyrrill.
Sam. Browne.

Sancti Hil. *Annis* 14 & 15 Car. *Secundi Regis.*

WHereas many perſons arreſted upon mean proceſs iſſuing out of this Court, and upon plaints levied in inferiour Courts, and removed to the Fleet by *Habeas Corpus* with thoſe cauſes returned upon them, have been deteyned thereupon for a long time, as well in the cuſtody of Sheriffs and Gaolers as in the priſon of the Fleet without any proſecution or proceedings againſt them in this Court. Now foraſmuch as every perſon having cauſe of Action againſt any Priſoner in the Fleet, may have ſpeedy proceedings againſt ſuch Priſoner. Therefore and alſo to prevent unjuſt vexations by long deteyning of perſons in Priſon there for the future. It is ordered by the Juſtices of the Court of Common-Bench this preſent Term of St. *Hill.* that if any perſon be committed to the Fleet by *Habeas Corpus* in this preſent Term, or in any other *Hill.* Term, or in the Vacation following this Term or any other *Hill.* Term, unleſs the Plaintiff or Plaintiffs at whoſe

whoſe Suite the Priſoner ſtands charged at the Fleet, ſhall bring ſuch Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him within ſix days after *Trinity*-Term begun, ſuch Priſoner may be diſcharged by *Superſedeas* to be iſſued of courſe out of the Prothonotaries-Office of this Court, where the commitment of the ſaid Priſoner with his cauſes is entred, ſo as ſuch Priſoner firſt enter his appearance by Attorney with the ſaid Prothonotarie in caſe of an Attachment of privilege, or of a plaint, or with the Filazer upon other proceſs returnable in this Court: And do bring a Certificate under the hand of the Warden or Clarke of the Fleet, that no proceedings by *Habeas Corpus* have been had againſt him within the time aforeſaid. And that if any perſon be committed to the Fleet in any *Eaſter*-Term, or in the Vacation following any *Eaſter*-Term, unleſs the Plaintiff or Plaintiffs bring ſuch Priſoner to the Bar of this Court by *Habeas Corpus*, and declare againſt him within ſix days after *Michaelmas*-Term begun, ſuch Priſoner ſhall be diſcharged in manner aforeſaid. And that if any perſon be committed to the Fleet, in any *Trinity*-Term, or in the Vacation next following

any *Trinity*-term, unleſs the Plaintiff or Plaintiff bring the Priſoner to the Bar of this Court by *Habeas Corpus* and declare againſt him before the end of *Michaelmas*-Term following, ſuch Priſoner may be diſcharged in manner aforeſaid. And that if any Perſon be committed to the Fleet in any *Michaelmas*-Term, or in the Vacation following after any *Michaelmas*-Term, unleſs the Plaintiff or Plaintiffs bring the Priſoner to the Bar of this Court by *Habeas Corpus* and declare againſt him within ſix days after *Eaſter*-Term begun, ſuch Priſoner may be diſcharged in manner aforeſaid. And the Plaintiff or Plaintiffs may declare upon ſuch appearance entred the next Term after ſuch appearance or *Superſedeas* granted. And the Attorney appearing for ſuch Priſoner ſhall be bound to take a Declaration and not afterwards. And as concerning perſons arreſted and remaining in the cuſtody of any Sheriff or Gaoler upon any mean proceſs iſſuing out of this Court. It is further ordered that if the Plaintiff or Plaintiffs at whoſe ſuite ſuch perſon is arreſted and in cuſtody do not remove ſuch Priſoner by *Habeas Corpus* to the Fleet, nor the Priſoner enter appearance in manner aforeſaid. Such

Priſoner

Priſoner may be diſcharged by *Superſedeas* in the end of the third Term after the arreſt according to the courſe anciently uſed. And the Plaintiff may declare upon ſuch appearance the Term following but not after, but if ſuch Priſoner cauſe appearance to be entred for him by Attorney, and cauſe notice thereof to be given to the Plaintiff or his Attorney. And if Oath thereof be made in writing and filed in Court. Unleſs the Plaintiff or Plaintiffs declare againſt ſuch Priſoner in the Term next after ſuch appearance, the Priſoner may be diſcharged by *Superſedeas*. So as Oath be made to the Attorney for the Defendant, that no declaration have been delivered or tendred to him. And the Plaintiff or Plaintiffs may declare againſt the Defendant the Term next after ſuch appearance entred. But not afterwards.

And for the certainty of the practice in proceeding to be had againſt Priſoners in the Fleet by virtue of the late Act of Parliament. It is further declared and ordered by this Court, that in caſe any ſuch Priſoner ſhall hereafter be brought to the Bar of this Court, by a Writ of *Habeas Corpus* returnable at any day certain being before the day of appearance

of

of the third return of any Term. And the ſaid Priſoner name an Attorney who ſhall appear for him at the ſuite of the Plaintiff in the Action in the ſaid Writ ſpecified. The ſaid Defendant be compellable to plead by the laſt day of the ſaid Term, to a Declaration to be delivered to the ſaid Attorney if the Plaintiff give a rule for him ſo to do. But where any Priſoner is brought to the Bar, by ſuch Writ returnable after the day of appearance of ſuch third return of any Term, the Defendant of courſe to have imparlance untill the next Term following. But if ſuch Priſoner refuſe to nominate an Attorney to appear for him. Then ſuch Priſoner is to plead within Eight days according to the ſaid Act, provided that there be Eight days after the return of the *Habeas Corpus* to give a Rule to be out within the Term. And, laſtly it is ordered that after iſſue joyned, ten days notice at the leaſt excluſive of the day of ſuch notice be given to the Defendant (being actually in the Priſon of the Fleet) of the time of Tryal of ſuch iſſue to be had.

Orl. Bridgman.
Rob. Hyde.
Tho. Tyrrill.

Sancti

Sancti Hil. *Annis* 15 & 16 Car. *Secundi Regis.*

WHereas the Kings Majeſties Juſtices of this Court have received information. That very many under-Sheriffs of this Kingdome and the dominion of *Wales*, Notwithſtanding ſeveral Acts of Parliament, and divers orders of this Court to admoniſh them of the Duties of their Places, in conformity thereunto, have neglected to have their Deputies upon Record, and to attend the Court in Term-time, to receive Writs and proceſs iſſuing out of and returnable in this Court, and to make and deliver due returns of the ſame. And alſo have neglected the Execution of many ſuch Writs and proceſs to them delivered, or having made Execution of the ſame proceſs by arreſt or otherwiſe, have let perſons go at large without taking ſecurity or due order for their appearance. And having taken the Bodies, or ſeized the Lands or Goods of perſons outlawed upon Writs of *capias Utlegat.*

legat. iſſuing out of this Court, have diſcharged ſuch perſons and their Lands and Goods without Writs of *Superſedeas* for the ſame, or making any return to the Court contrary to their Oaths and Duties of their places, and expreſly againſt the Statute thereof lately made and provided to the manifeſt delay of Juſtice, the Diminution of his Majeſties revenue, the loſs of many Mens juſt Debts, and the incouragement of perſons to ſtand in contempt of the Laws of this Realm. All which inconveniences and miſcheifs his Majeſties Juſtices being reſolved to uſe their utmoſt endeavour and power to reform by examining and ſeverely puniſhing all Sheriffs, and Under-Sheriffs, and their Clarkes, Deputies and Bayliffs whom they ſhall find hereafter faulty in the premiſſes. It is therefore ordered and declared by the ſaid Juſtices of this Court, that every of the ſaid Sheriffs before the laſt day of this preſent Term, And afterwards before the laſt return of the Term next after the taking of his Oath of Sheriff ſhall make a Deputy on Record in this Court, according to the Statute made in the three and twentieth year of the Reign of King *Henry* the Sixth in that behalf. And that all Under-Sheriffs or their

Depu-

Deputies duely attend the Court in Term-time, and that they duely execute and return the Writs and proceſs of this Court, and take ſufficient ſecurity, or certain order for appearance of all perſons by them arreſted according to Law.

And that no Sheriff, Under-Sheriff, Sheriffs Clarke, Deputy or Bayliff, nor any Steward, Bayliff of Franchiſe, Coroner, or their Clarke or Deputy, ſhall ſet at liberty any perſon taken upon any Writ of *Capias Utlegat.* nor diſcharge the Lands or Goods of any perſon Outlawed by them ſeized upon any Writs of *Capias Utlegat.* without a lawfull Writ of *Superſedeas* under the Seale of this Court to them delivered for ſuch diſcharge, according to the late Act of Parliament in the thirteenth year of his now Majeſtie's Reign in that behalf made and provided. And it is farther ordered that no ſuch *Superſedeas* be made or iſſued out of this Court by any Officer, Clarke, Attorney or Miniſter of the ſame, without ſufficient Bayle firſt taken according to Law and former orders and uſages of this Court, upon pein of incurring the ſevereſt puniſhment which according to Law and Juſtice can be in-

flicted upon the Offenders in any of the premiſſes.

Orl. Bridgman.
Tho. Tyrrill.
Sam. Browne.
Jo. Archer.

Sancti Michaelis *apud* Oxon *Anno* xvii. Car. *Secundi Regis*, &c.

FOr the better execution of the proceſs of *Vtlary* to be made and iſſued by and out of this Court, and the prevention of divers abuſes by a neglect of the ſame. It is ordered that upon every Writ of Exigent which ſhall be ſued forth of this Court, from and after this Term, if a *Superſedeas* be not put in thereunto at or before the return thereof. That no *Superſedeas* ſhall by any Sheriff or other Officer, be allowed as an appearance to any ſuch Writ of Exigent untill the Defendant ſhall have paid unto the Plaintiff or his Attorney, or left in the Court with one of

of the Prothonotaries thereof, the full and juſt coſts of Suite as he ſhall have been at in the ſuing forth of ſuch Writ of Exigent to be taxed by the ſaid Prothonotarie. And hat upon reverſing of all and every *Utlary* the party Defendant which reverſeth the ſame ſhall before the reverſall thereof or any *Superſedeas* made thereunto, give ſpecial Bayle if the Sum of Money or Damages expreſſed in the Original Writ whereupon the Exigent was awarded ſhall amount to the Sum of twenty pounds, and the Plaintiff or Plaintiffs ſhall require the ſame and pay to the Plaintiff or Plaintiffs or his or their Attorney, or leave in the Court for him or them, his or their full and juſt coſts of Suite expended in the proſecution of the ſame to be taxed as aforeſaid. And for the prevention of the great and common abuſe committed by the Sheriffs and Bayliffs for enlarging of perſons arreſted upon *Capias Utlegat.* before Judgment, a *Superſedeas* firſt had. It is farther ordered that if any Sheriff or Officer whatſoever ſhall ſet at liberty any perſon arreſted upon a *Capias Utlegat.* before Judgment without a lawfull *Superſedeas* in that behalf firſt delivered unto him or them. That upon Affidavit

thereof made and filed, every perſon offending therein ſhall pay the Sum of forty-ſhillings to the party greived, or complaining who ſhall have an Attachment of courſe againſt ſuch Sheriff, Officer or party offending for the payment of the ſame, and the party or parties ſo offending ſhall likewiſe undergo ſuch other puniſhments as by this Court ſhall be thought fit.

Orl. Bridgman.
Tho. Tyrrill.
Sam. Browne.
Jo. Archer.

Sanctæ Trinitatis, *Anno* xxi Car. *Secundi Regis*, &c.

WHereas by the Ancient Courſe and Uſage of this Court, every Attorney thereof ought to remain and continue, and make his entreys in that Prothonotarie's Office onely, wherein ſuch Attorney by his own Election was firſt Sworn and ſetled, and not to remove or withdraw himſelf or any of his Buſineſs from that Office, to any other of the Prothonotaries Offices, without the licence

cence of this Court, upon juſt cauſe firſt ſhewed and allowed by the Court. And whereas ſeveral good Orders have been made by this Court, for the continuance and obſervance of the ſaid ancient courſe. Nevertheleſs of late time ſeveral Attorneys of this Court have withdrawn themſelves and their Buſineſs from the reſpective Offices wherein they made their firſt Election, to enter their cauſes, whereby great miſcheifs have happened to divers of his Majeſtie's good Subjects, and great diſorders and confuſion have been occaſioned in this Court. For Remedy whereof, and for ſetling good order in this Court for the future. And to the intent the ſaid Ancient courſe may be duely obſerved hereafter. It is ordered by the Juſtices of this Court this preſent *Trinity*-Term, that every Attorney of this Court who at or upon the firſt day of *Eaſter*-Term, in the Twentieth year of his now Majeſtie's Reign, or at any time ſince, hath withdrawn himſelf or any of his cauſes from that Prothonotarie's Office, where he was then ſetled unto any other Office, do upon notice of this preſent order reduce himſelf unto that Prothonotarie's Office where he was then ſetled, and there continue

tinue and henceforward cauſe all his Buſineſs and cauſes to be entred and made in the ſaid Prothonotarie's Office onely, and in no other Office, upon pain of incurring the diſpleaſure of this Court, and ſuch penalties as this Court ſhall think fit to inflict for the firſt offence, and for the ſecond offence to be expelled from this Court. And it is farther ordered, that no Attorney of this Court admitted ſince the firſt day of the ſaid *Eaſter*-Term, nor any other Attorney hereafter to be admitted without the licence of this Court, upon juſt cauſe ſhewed and allowed by the Court, firſt had, ſhall ſhift from the Prothonotarie's Office where he hath or ſhall make his own Election and be Sworn and ſetled as aforeſaid upon like penalties aforeſaid. And it is farther ordered that no Prothonotarie of this Court ſhall hereafter permit or ſuffer any ſuch removing or ſhifting Attorney to enter any of his cauſes in his Office contrary to this preſent order.

Jo. Vaughan.
Tho. Tyrrill.
Jo. Archer.
W. Wylde.

Sancti

Sanctæ Trinitatis *Anno* xxi. Car. *Secundi Regis*, &c.

WHereas upon complaint daily made unto this Court, it doth plainly appear that many diſorders are of late crept into this Court, by reaſon that the Clarks and Attorneys of this Court do neglect according to their Duty, and the ancient uſage and cuſtom of this Court, to enter upon Record Imparlances or *Incipiturs*, in all ſuch cauſes wherein Imparlances or *Incipiturs* ought to be entred. And by reaſon thereof many Judgments are entred and Iſſues are joyn'd before there is any foundation in Law, or preceding Record to warrant the ſame. And thereby Defendants are compelled to plead to an erroneous Copy, not warranted by any Record to the manifeſt and apparent damage of his Majeſtie's Subjects, and contrary to the Ancient orders and proceedings of this Court. For the prevention whereof, to the intent the ſaid Ancient courſe may be duely obſerved hereafter. It is ordered by the Juſtices of this Court this preſent *Trinity*-Term, that all Attorneys

attorneys and Clarks of this Court do henceforth duely enter or cauſe to be entred, Imparlances or *Incipit.* in all cauſes according to the ancient uſage of this Court, and that the want of entring an Imparlance or *Incipitur* in every cauſe wherein Imparlances ought to be entred, be a ſufficient cauſe for the Defendant to have a farther Imparlance of courſe. And that no Attorney, Clarke, or any Miniſter of this Court, ſhall hereafter give any common Rule to plead in any cauſe wherein Imparlances or *Incipiturs* ought to be, and are not entred upon Record in any of the Prothonotaries Remembrances untill the reſpective Prothonotarie in whoſe Office the cauſe is, ſhall give allowance for the giving of ſuch Rule to plead. And that the Rule of this Court made this preſent Term, for the prevention of all debates and controverſies that may hereafter happen to ariſe between the reſpective Prothonotaries of this Court, concerning Attorneys that have or ſhall hereafter remove themſelves and their Buſineſs from one Prothonotarie's Office to another, may be effectual to all intents and purpoſes. It is farther ordered by this Court this preſent *Trinity*-Term, by and with the

the conſent of the reſpective Prothonotaries of the ſame Court, that the ſaid reſpective Prothonotaries ſhall permit and ſuffer each other reſpectively by themſelves or their reſpective Clarks to ſearch each others Doggets, and Judgment Books at ſeaſonable and convenient times, for the better diſcovery and prevention of ſuch abuſes in the future. And that if it ſhall hereafter happen that any matter or Buſineſs be henceforward entred in any Prothonotarie's Office contrary to the ſaid order, that then ſuch Prothonotary ſhall upon notice and requeſt made to him, repay the Fees received for doing of ſuch Buſineſs to ſuch Prothonotary to whom ſuch Fees did of right belong. And that no Bill ſhall be filed againſt any Officer, Attorney, Clarke, or Miniſter of this Court to be called in Court, in order to a Fore-judger, untill the ſaid Bill be actually entred upon Record, and a number-Roll put upon the ſaid Bill.

Jo. Vaughan.
Tho. Tyrrill.
Jo. Archer.
W. Wylde.

Paſche *Anno* xxiv. Car. *Secundi Regis.*

An order Conteyning the Superſedeas-*Office.*

If. FOraſmuch as by the information of *Richard Abbot* Gentleman, Officer of the Office aforeſaid, the Court is given to underſtand and be informed, that divers abuſes are frequently committed contrary to the ancient uſe and cuſtom of this Court, in deceipt of the King's Majeſty of his Seals, and defrauding and deceiving divers Officers thereof. It is ordered by the Court for prevention of ſuch like frauds, deceipts, and evil carriages for the future, that no Under-Sheriff, or County-Clarke, of any County within this Realm. Nor any Attorney or other Miniſter of this Court, ſhall return or cauſe to be returned upon any Writ of *Exigi Facias* iſſuing out of, or returnable in this Court any falſe return of *redidit ſe*, where in truth the Defendant hath not rendred himſelf to the Sheriff. And that no Clarke, Attorney, or other Miniſter of this Court ſhall enter or cauſe to be entred any *retraxit* with any Under-Sheriff, County-Clarke, or other Miniſter aforeſaid what-

whatſoever, upon any Writ or Writs of *Exigi facias*, iſſuing out of, and returnable in this Court untill the ſame *retraxit* be entred upon the ſame Roll, upon which the ſaid Exigent is awarded of that preſent Term in which the ſame is returnable. And that no farther proceeding be in that cauſe after the party outlawed by filing a new Original, or by any other means or ways whatſoever to deceive the King's Majeſty of his Seals, and the aforeſaid Officer of the *Superſedeas*-Office of his juſt Fees, for making and ſigning of the Writs of *Superſedeas quia improvide*, to ſuch Writs of Exigent or any other Officers of their juſt Fees. And that no Under-Sheriff, or County-Clarke aforeſaid, or other Miniſter of the ſame Court whatſoever, from and after the end of this preſent Term, ſhall receive any Writ of *Superſedeas*, or allow any ſuch Writ upon his or their Book or Books, file or files, untill the ſame be duly ſigned by the proper Officer of the ſaid Office, and alſo ſealed. And laſtly, It is ordered that no Attorney, or other Miniſter of this Court, either for Plaintiff or Defendant, ſhall give or receive any Copy or Copies, of Declarations founded upon any Writ

of *Exigi facias*, untill the King's Majeſtie's Writ or *Superſedeas* be duly ſigned and ſealed, and allowed with the Sheriff, Under-Sheriff, or his lawfull Deputy, of the County where the Exigent is laid.

Jo. Vaughan.
Jo. Archer.

Rob. Atkyns.

Paſche *Anno* xxiv. Car. *Secundi Regis*, &c.

WHereas ſeveral irregular Attorneys reteyned to appear for Defendants, have contrary to the Law and uſage of this Court neglected to enter appearances for ſuch Defendants, to the delay of Plaintiffs, damage of Defendants, abuſe of this Court and to the defrauding the King's Majeſty of the duty of Six-pence, for every appearance given by a late Act of Parliament, entituled an Act for laying

laying impoſitions upon proceedings in Law. For remedy whereof, it is ordered by the Juſtices of this Court in this preſent *Eaſter*-Term. That every Attorney reteyned to appear for any Defendant to any Writ iſſuing out of this Court, which are made by the reſpective Filacers of this Court, ſhall from henceforth according to the courſe of this Court, enter the appearances of all Defendants with the proper Filacer of this Court, of the City or County from whom ſuch proceſs reſpectively did iſſue where the Action is laid, and pay the ſaid duty of Six-pence unto his Majeſty to the ſaid Filacer, together with the ſaid Filacer's Fee upon the penalties in the ſaid Act of Parliament mentioned. And it is farther ordered that no Defendant ſhall be permitted to imparle, amend his plea or move to change the venue in any Action untill his appearance be entred as aforeſaid. And that no Attorney of this Court ſhall receive any Declaration unleſs an appearance be firſt entred with the Filacer as aforeſaid under the like penalty. And that no Attorney ſhall deliver or cauſe to be delivered any Declaration or count to the Defendant or Tenants Attorney, or to any perſon for him untill the appearance

pearance (to warrant ſuch delivery) be duly entred with the proper Filacer, under the penalty to be expelled the Court. And it is farther ordered for the better diſcovering and puniſhing of offenders againſt this order. That the reſpective Filacers of this Court may at all convenient times freely peruſe the Doggets and other memorials of the Prothonotaries reſpectively of this Court, to the end that in every Term they may deliver in writing the names of all Attorneys of this Court, who ſhall not have entred the appearances of ſuch Defendants who employ them with the proper Filacer of the Court, to the Lord Cheif Juſtice of this Court, or his Brethren (which they are hereby required diligently to doe,) to the end the ſaid Juſtices may without remiſneſs proceed againſt ſuch as ſhall be found offenders againſt this order.

Jo. Vaughan.
Jo. Archer.
Rob. Atkyns.
W. Wylde.

Paſche

Paſche *Anno* xxvii. Car. *Secundi Regis.*

An order conteyning the delivering of Copies of ſpecial Verdicts and Demurrers unto the Juſtices of this Court, in all cauſes entred into the Court Books for argument at the Bar.

IT is ordered by the Court, That every Attorney of this Court towards any ſuch cauſe, ſhall deliver true Copies of the Records thereof to the reſpective Juſtices of this Court, by the ſpace of one whole week at the leaſt next before the day appointed for ſuch Argument. Namely, The Attorney for the Plaintiff one Copy thereof to the Lord Cheif Juſtice, and another to the Senior Judge. And the Attorney for the Defendant, like Copies to each of the other two Juſtices of this Court for the time being, according to the ancient courſe here uſed under ſuch penalty as the Court ſhall think fit to inflict upon the Attorney neglecting his duty therein. And it is farther ordered by the Court, That no Argu-

Argument by Council on either ſide ſhall be heard at the Bar untill Books be delivered to all the Judges. Provided nevertheleſs. That in caſe the Attorney of either party ſhall not deliver Books as he ought. Then if the Attorney on the other ſide for expediting his Clients cauſe will deliver Books to all the Judges, three days at leaſt before the Argument, Council ſhall be heard on his Clients behalf at the day appointed. And the Attorney delivering Books as aforeſaid ſhall be imburſed the charges of delivering the two Books which ought to have been delivered by the Attorney of the Adverſe party, which charges the ſaid Attorney ſhall be bound to pay upon demand thereof. And laſtly, it is ordered, That if the charges of delivering the ſaid two Books ſhall not be paid before Judgment ſhall be given in the cauſe, The charges of the delivering the ſaid Books ſhall be allowed upon taxing coſts. And in that caſe the Attorney ſhall not be compelled to pay the ſaid coſts. But if no coſts are to be taxed in the caſe, Then the Attorney making default in delivering of Books as aforeſaid, ſhall be compelled to pay the charges of the Copies ſo delivered by the Attorney of the adverſe

adverſe party, by Attachment or otherwiſe as the Court ſhall think fit.

By the Court.

Trin. *Anno* xxviii. Car. *Secundi Regis*, &c.

A Rule concerning allowances of Writs of Error, and Nonſuits upon them.

FOraſmuch as information is given to the Lord Chief Juſtice of the Court of *Common-Pleas*, that ſeveral Attorneys of the ſaid Court, do make out execution upon Judgments, whereupon Writs of Error are brought, without giving of Rules, or ſigning *Non-proſeſs* with the Clarke of the Errors, (to whom the ſame particularly belongs,) and do ſue out Writs of Error, and ſhew the ſame to the Plaintiffs Attorney in the Action, without bringing them to the Clarke of the Errors, or putting in of Bail before the Lord Chief Juſtice of the ſaid Court, according to the ſeveral Statutes in that caſe made. For preventing of which irregular practices, it is ordered by the Lord Chief Juſtice of the ſaid Court, that for the future no Attorney of the ſaid Court, do or ſhall make out any Executions, *non obſtante Brevi de Errore*, untill they have had a Certificate from the Clarke of the Errors, that the Record is not removed, and a *Non-proſeſs* thereupon duely ſigned, and that all Attorneys, do forthwith bring their Writs of Error by them ſued out to the Clarke of the Errors, to be allowed according to the ancient practice of the Court, or in default thereof, the Plaintiffs Attorney in the Action, is and may be at liberty to proceed to Execution.

Era. North.

Sancti Michaelis *Anno* xxviii. Car. *Secundi*, &c.

ORdinatum eſt quod omnia brevia de Errore indilate deliberentur Clerico Errorum pro tempore exiſten' Quodque nemo tenebitur abſtinere à proſecutione executionis pretextu alicujus brevis de Errore priuſquam predictum breve deliberatur Clerico Errorum & in caſibus ubi ſpeciale Ballium requiritur. Niſi quærens ſuper tali brevi de Errore infra quatuor dies poſt deliberationem inde imponet Ballium ſecundum legem. Et obtinebit breve de Superſedeas ſuperinde defendens poterit procedere ad executionem non obſtante tali brevi de Errore. Et ulterius ordinat' eſt quod poſt breve de Errore debito modo allocat' & Superſedeas ſuperinde obtent' nulla fiet Executio pro non tranſcribend' Record' in Bancum Regis ſive Certificatione in ſcriptis per Clericum Errorum quod quærens in tali brevi de Errore fecit defalt' in tranſcribend' Record' in Bancum Regis juxta Regulam Curiæ prius de curſu dand'.

Fra. North. } { Rob. Atkyns.
Hugh Wyndham. } { Will. Scroggs.

Hil. *Annis* xxviii. & xxix. Car. *Secundi Regis.*

WHereas ſeveral cautionary Rules have been, and are uſually made by this Court, and directed to be left with the Officers, *viz.* the *Cuſtos brevium*, Clarke of the Kingsſilver and Chirographer, for the ſtaying of Fines ſuggeſted to have been acknowledg-

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ed by Infants, or Feme-coverts without the conſent of their Husbands, or perſons of *non ſane memorie*, or otherwiſe diſabled in Law to acknowledge the ſame, which Rules being numerous, and the perſons concerned therein being negligent in the renewing and continuing thereof as they ought to doe every Term, and in length of time the parties diſabled as aforeſaid by Marriage or otherwiſe, having changed their names. It becomes impoſſible for the ſaid Officers duely to obſerve the ſaid Rules incumbenton them for ſtaying ſuch Fines. It is therefore ordered that all Rules heretofore made for the ſtaying any Fine or Fines upon any ſuch or the like ſuggeſtion or occaſion as aforeſaid, ſhall be renewed or continued, and Copies thereof left with the ſaid reſpective Officers before the end of *Eaſter*-Term next, or otherwiſe that the ſame be no way obligatory upon the ſaid Officers or any of them. And that for the future all perſons making any complaint againſt ſuch Fines acknowledged by perſons ſo diſabled as aforeſaid, or by any perſon in the name of another, or by the like deceipt, ſhall from Term to Term ſo long as they expect benefit or obſervance of ſuch Rule, enter and continue the

ſame rule for that Term, or leave Copies thereof with the ſaid reſpective Officers, and that the ſame may thereby be the better taken notice of, or in default thereof, the ſaid Officers or any of them ſhall not ſtand farther obliged thereby. And all perſons concerned in the obtaining or proſecuting ſuch rules, for the ſtaying ſuch Fines ſo levied as aforeſaid, their Attorneys or Clarkes are hereby enjoyned every Term to ſearch and ſee the Books and Entrie of Fines with the Clarke of the Kingsſilver, or other Officers where Entries are kept for that purpoſe. In as much as it is not poſſible for the Officers to take that care for the ſtoping of ſuch Fines and Recoveries as by order of Court they ſhall be enjoyned to ſtop by reaſon of the multiplicity of old orders which are never recalled ſo, that they cannot know which orders are in force. It is therefore ordered that for the future, all manner of *Caveats* and orders for the ſtoping Fines and Recoveries to be renewed every Term or elſe to loſe their force.

Fra. North.
Hugh Wyndham.
Rob. Atkins.
Will. Scroggs.

Paſche

Paſche *Anno Regni Regis* Car. *Secundi*, xxix.

FOraſmuch as it hath been repreſented to this Court, by the Clarke of the Kingsſilver of this Court, that it is not poſſible for him to take care for the ſtoping of ſuch Fines, as by order of Court he is enjoyned to ſtop by reaſon of the multitude of old orders concerning this matter, which have been granted and never recalled, ſo that he cannot know which orders ſtand in force, and which are determined. It is therefore ordered that for the future, all manner of *Caveats* and orders for the ſtoping any Fines, ſhall be renewed every Term, and Copies thereof left with the Clarke of the Kingsſilver, for which he is to demand onely his ancient Fee of 3 *s.* and 4 *d.* the Term as aforeſaid, and in default thereof, all *Caveats* that ſhall not be ſo renewed ſhall loſe their force and be void.

Fra. North.
Hugh Wyndham.
Rob. Atkins.
Will. Scroggs.

Sanctæ

Sanctæ Trinitatis *Anno* xxix. Car. *Secundi Regis.*

WHereas divers complaints have been made to this Court, of the manifold inconveniences and miſcheifs that daily happen, for that many of the Officers and Attorneys of the ſaid Court, having publick and conſiderable employments in the Law, are not admitted of any of the Inns of Court or Chancery, where if they were, they might be better known and more readily reſorted to, and the better manage their Affairs, but lodge and keep their Offices in places obſcure and remote from the ſaid Inns of Court and Chancery contrary to the ancient courſe and uſage, and to the great damage of the King's People through ſurprizes happning, and advantages thence taken and inſiſted upon, for prevention of which in time to come, it is ordered by the Juſtices of this Court, that all Attorneys already admitted of this Court, (except ſuch as dwell in *London* or *Weſtminſter*, and the Suburbs thereof, or in the Burrough of *Southwarke*, and the Liberty

Liberty of St. *Katherine* near the *Tower* of *London*,) ſhall be admitted of ſome of the Inns of Court or Chancery before the end of *Michaelmas*-Term next coming, and take Chambers there if conveniently they may be done, elſe that they take Chambers or Lodings in ſome convenient places near the ſaid Inns, and leave word with the Butlers of ſuch Inns where their Chambers or Habitations are, upon pain of being put out of the Roll of Attorneys. And that no perſon whatſoever (except as is above excepted,) ſhall hereafter be Sworn an Attorney of this Court, unleſs he be firſt admitted of ſome of the Inns aforeſaid, and bring and produce in Court at the time of his being Sworn a Certificate under the hand of the Treaſurer or Principal of the ſaid Inn whereof he is admitted, teſtifying his Admiſſion, which Certificate every Attorney ſo Sworn ſhall deliver to the Clarke of the Warrants of this Court for the time being, to be by him filed, before ſuch Attorney's name ſhall be entred into the Roll of Attorneys of this ſaid Court, remaining with the ſaid Clarke of the Warrants, unto which file of Certificates the Treaſurers and Principals aforeſaid, may from time to time reſort as they ſhall ſee cauſe.

Sanctæ

Sanctæ Trinitatis *Anno* xxix. Car. *Secundi Regis*, &c.

IT is ordered by this Court, that the reſpective Prothonotary do take care that every Record of *Niſi prius* that is ſigned by them be ingroſſed in a fair legible Character, and ſo entred on the Roll, and that at the beginning of every Pleading, it be begun with a new line, and the firſt word thereof in a greater Character than the reſt. And that in all actions that have divers Narrs, they give notice thereof by Figures in the Margent of ſuch Record of *Niſi prius*. And in default thereof the ſaid Prothonotary ſign not the ſame. And it is likewiſe ordered that Mr. *Ingram* that doth ſign, and the reſpective Clarkes of the Treaſury of this Court that do ingroſs Records of *Niſi prius*, from thence do from time to time take the ſame care of all Records made out of the ſaid Treaſury. And that all Records of *Niſi prius*, that ſhall be ingroſſed in this Court for the future, be

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of exact breadth of the Rolls of this Court and not broader or leſſer.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Sanctæ Trinitatis *Anno* xxix. Car *Secundi Regis*, &c.

WHereas divers complaints have been made to this Court, of the manifold inconveniences and miſcheifes that daily happen, for that many of the Officers and Attorneys of the ſaid Court, having publick and conſiderable employments in the Law, and are not admitted of any of the Inns of Court or Chancery, where if they were, they might be better known and more readily reſorted to, and the better manage their affairs, but lodge and keep their Offices in places obſcure and remote from the ſaid Inns

of Court and Chancery, contrary to the ancient courſe and uſage, and to the great damage of the King's people through ſurprize hapning, and advantages thence taken and inſiſted upon: For the prevention of which in time to come, it is ordered by the Juſtices of this Court, that all Attorneys already admitted of this Court, (except ſuch as dwell in *London* and *Weſtminſter*, and the Suburbs thereof, or in the Burrough of *Southwarke*, and the Liberty of St. *Katherine* near the Tower of *London*,) ſhall be admitted of ſome of the Inns of Court or Chancery before the end of *Michaelmas*-Term next coming, and take Chambers there if conveniently that may be done, elſe that they take Chambers or Lodgings in ſome convenient places near the ſaid Inns, and leave word with the Butlers of ſuch Inns where their Chambers or Habitations are, upon pain of being put out of the Rolls of Attorneys; and that no perſon whatſoever (except as is above excepted,) ſhall hereafter be Sworn an Attorney of this Court, unleſs he be firſt admitted of ſome of the Inns aforeſaid, and bring and produce in Court at the time of his being Sworn, a Certificate under the hands of the Treaſurer,

or

or Principal of the ſaid Inne whereof he is admitted, teſtifying his admiſſion, which Certificate every Attorney ſo Sworn ſhall deliver to the Clarke of the Warrants of the Court for the time being, to be by him filed before ſuch Attorney's name ſhall be entred into the Roll of Attorneys of the ſaid Court, remayning with the ſaid Clarke of the Warrants, unto which File of Certificates the Treaſurers and Principals aforeſaid may from time to time reſort as they ſhall ſee cauſe.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Sanctæ Trinitatis, *Anno* xxix. Car. *Secundi Regis*, &c.

WHereas complaints have been made to this Court, that divers perſons have ſued out Writs of privilege and Attachments at their own Suits as At-

torneys of this Court, who have either diſcontinued or had their names put out of the Roll of Attorneys, remayning with the Clarke of the Warrants of this Court, or were never entred upon the Roll, and yet have proſecuted ſuch Writs ſo as to free themſelves from Arreſts, or to force Bayle where none ought to be given, for the prevention of which abuſes, it is ordered that the Clarke of the Warrants at the end of this and every other Term, ſhall certify under his hand to the Seal-Office of this Court, the names of all thoſe Attorneys that have diſcontinued and that are forejudged the Court, and put out of the Roll, and have not filed any Warrant of Attorney, nor continued their names upon the Roll for above four Terms paſt, and that hereupon for ſuch perſons no Writ of Privilege or Attachment be ſealed, untill they have a Certificate from the ſaid Clarke of the Warrants, or have their ſaid Writs by him ſigned, to teſtify that their names are upon the Roll of Attorneys, for which no Fee is to be paid. And it is farther ordered, that no Attorney at any time Sworn and entred upon the Roll, ſhall have his privilege as a Clarke

to

to any Prothonotary of this Court, but onely as Attorney according to the ancient cuſtom.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Sanctæ *Trinitatis* Anno xxix. *Car.* Secundi Regi.

ſſ. *Decimo ſexto* Junii *pro melicri reformatione & preventione multarum inconvenienciarum ratione negligent' & dilationum diverſorum Attorn' hujus Cur' ſubdit' Dom' Regis nunc contingen' in non proſecutione Record' predict' pro triationibus exit' ad Aſſiſas infra tempus opportunum poſt clauſum Termini prox' precedend' hujuſmodi Aſſiſas contra antiquum uſum & curſum hujus Cur' Ordinat' eſt quod omnia recorda predicta extra Cur' hic emanan' erunt ſignat' per reſpectivos Prothonotar' dict' Cur' ſignat' & ſigillat'*

lat' per Clericum Theſaurar' vel al' perſonam in ea parte deputat' infra ſpatium trium ſeptimanarum prox' poſt finem hujus Termini Et infra idem ſpatium prox' poſt clauſum cujuſlibet Termini Sancti Hillarii & cujuſlibet Termini Sanctæ Trinitatis in futurum Et non poſtea Niſi pro rationabili cauſa ſpecial' Warrant' proinde obtentum fuit.

per Curiam.

Fra. North.
Hugh Wyndham
Rob. Atkyns.
Will. Scroggs.

Sanctæ Trinitatis *Anno* xxix. Car. *Secundi.*

A Rule for the better obſervation of a late Act of Parliament, made concerning Judgments.

WHereas by an Act of this preſent Parliament, it is enacted, that from and after the four and twentieth day of *June* next, every Judge or Officer of this Court,

Court, that ſhall ſign any Judgment, ſhall at the ſigning of the ſame, (without Fee for doing the ſame,) ſet down the day of the Month and Year of his ſo doing, upon the paper Book which he ſhall ſo ſign, the which day of the Month and Year, ſhall be alſo entred upon the Margent of the Roll of the Record, where ſuch Judgment ſhall be entred. Now to the end the ſame may be duely and juſtly done, in purſuance of the ſaid Act, it is ordered by this Court, that the reſpective Attorneys, and Clarkes of this Court, that ſhall procure any Judgment to be ſo ſigned as aforeſaid, (after the ſaid xxiv. day of *June*,) ſhall at the bringing in of their Rolls to the reſpective Prothonotary, at the ſame time where ſuch Judgments are entred, produce the reſpective paper Books whereon ſuch Judgments are ſigned, that ſo the reſpective Prothonotary may better examine the reſpective days, entred on the Margent of the Roll of each particular Judgment, that they do agree with the reſpective days, ſigned by ſuch Prothonotary on the reſpective paper Books. And to the end that the ſaid reſpective Prothonotaries may the better perform their duty herein, it is farther

ther ordered by this Court, that every Attorney and Clarke, that ſhall make ſuch entries, ſhall bring in their reſpective Rolls, to the reſpective Prothonotaries in manner and form following, that is to ſay, the Rolls of every *Trinity*-Term in every Year, at or before the Feaſt day of St. *Michael* the *Archangel*, then next following, and the reſpective Rolls of every *Michaelmas*-Term, in every year at or before the Feaſt day of St. *Thomas* the *Apoſtle* then next likewiſe following, and alſo the reſpective Rolls of every *Hillary*-Term in every year, at or before the Feaſt day of the *Annuntiation* of our *Lady* the *Virgin*, then next likewiſe following, and alſo the reſpective Rolls of every *Eaſter*-Term in every year, at or before the firſt day of every *Trinity*-Term in every year, then next likewiſe following, under ſuch pains and puniſhments upon every default made by any Attorney or Clarke of this Court, as this Court ſhall think fit to inflict on ſuch defaulters. And it is farther ordered that upon the ſigning of all Judgments, by the reſpective Prothonotaries of this Court, upon *Poſtea* Writs of *Inquiry*, ſpecial *Verdicts*, *Demurrers*, *Nultiel Records*, *Relicta Verificatione*, and ſuch like Judgments, the

the ſame ſhall be delivered over forthwith, after ſuch ſigning to the reſpective Clarkes of the Judgments in each Office, that ſo the reſpective dayes, being the time when ſuch Judgments are ſigned, may be drawn up in the reſpective Judgment Papers in each Prothonotarie's Office, that ſo the ſame may be entred on the Margent of the Roll of every ſuch Record, where ſuch Judgment is entred. And it is farther ordered, that the reſpective Prothonotary ſhall not ſign any Judgment by ſuch confeſſion, either by *non ſum inform' or nihil Dic'* unleſs the ſame be brought to be ſigned within xx. days after the reſpective ends of every *Trinity*, *Michaelmas*, or *Hillary*-Terms in every year reſpectively, and at or before the firſt day of every *Trinity*-Term in every year, unleſs ſuch Attorney or Clarke do produce before ſuch Prothonotary a Warrant, or Warrants of Attorney, that do bear date after the end of any ſuch Term, and then ſuch Judgments on ſuch Warrants ſo produced, may be ſigned at or before the Eſſoyn day of every ſucceeding Term in every year, and not after.

Fran. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Sancti Michaelis *Anno* xxix. Car. *Secundi*, &c.

THrough the great complaints that have been made to this Court, of the neglects of Attorneys and Clarkes, to file the Writs and Warrants of Attorneys, whereupon common Recoveries have been ſuffered, and of the miſcheifs that have thereupon hapned. And for the prevention of ſuch miſcheifs and dangers in time to come, it is ordered as well by the conſent of the *Cuſtos Brevium*, as of the Prothonotaries, and Clarke of the Warrants of this Court, that at all times hereafter when the ſaid Prothonotaries ſhall examine, and ſign the exemplifications of ſuch Recoveries, they in their reſpective Offices do then cauſe all the ſame Writs, being ſealed and duely returned, and all Warrants of Attorney thereupon taken without Writ to be left in their hands to be filed with the uſual Fees for filing the ſame, without

poſt

poſt Terminums. And that the ſaid *Cuſtos Brevium* and Clarke of the Warrants, or their known Deputies, ſhall receive from the ſaid Prothonotaries in their reſpective Offices, the ſaid Writs and Warrants of Attorney, with the ſaid Fees for filing thereof in manner following, to wit, for the ſaid Writs and Warrants profecuted and perfected of this preſent Term, and every other Term of St. *Michael* in *Eaſter*-Term then next following, and for the ſaid Writs and Warrants of Attorney, of every *Hillary*-Term in *Trinity*-Term next after, and for the ſaid Writs and Warrants of Attorney, of every *Eaſter*-Term, in *Michaelmas*-Term next after, and for the ſaid Writs and Warrants of Attorney of every *Trinity*-Term, in *Hillary*-Term then next following. And that the ſaid *Cuſtos Brevium*, and Clarke of the Warrants, or their ſaid Deputies, ſhall give receipts under their hand of all ſuch Writs and Warrants, as ſhall be from time to time received from each of the ſaid Prothonotaries by way of Duplicate, conteyning the County where the Lands be, the names of the Demandants, Tenants, and Vouchees, who come in by Writs of Summons. And alſo of the Attorneys and

Clarkes names, who profecuted the ſaid Recoveries.

Fra. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Paſche *Anno* xxx. Car. *Secundi.*

ſſ. VIceſimo quinto Aprilis, *Cum nuper ſcilicet' Termino Sancti* Michaelis *ult' præterito pro evitatione errorum ſæpiſſime contingen' per negligentiam Attorn' & Clericorum Curiæ hic in defectu debite proſecutionis & filationis brevium de Ingreſſu Sum' Seſein' & Warrant' Attorn' ſuper quibus coia' Recuperar' extitiſſent permiſſa Ordinat' fuiſſet per Cur' ex aſſenſu Cuſtod' brevium Prothonotariorum & Clerici Warrant' hujus Cur' quod quandocunque Prothonotarior' predicti in eorum Officiis reſpective examinarent & ſignarent aliquod Recuperar' per Curiam hic exemplificat' iidem Prothonotarii viderent*

viderent quod Brevia & Warrant' predict' debite execut' & retornat' & in eorum Prothonotariorum manibus reſpective relict' eſſent cum uſual' feodis pro affilatione eorund' Jam ex querela Willielmi Jones *Militis Attorn' Dom' Regis generalis Juſtic' Cur' hic fact. quod quidam Attorn' & Clerici ejuſdem Cur' brevia ſua de Ingreſſu per ipſum Attorn' generalem ſub manu ſua ſignand' ut officio ſuo pertinen' juxta Antiquum Curſum inferre neglex iſſent in defraudatione ipſius Attorn' general' de feodis ſuis in ea parte. Ordinat' eſt quod Prothonotar' predict' de futuro ſuper examinatione & ſign' Cleric' Recuperar' Curiam videant quod quodlibet' tale breve de ingreſſu ſignat' ſit per dict' Attorn' generalem Alit' iidem Prothonotarii ad ſignand' tales exemplificationes & ſign' totaliter abſtineant quouſque breve inde ita ſignat' fuit' Et dict' Attorn' general' deſideratur quod ipſe brevia predicta pro manu ſua habend' ſibi delibat' ſine dilatione ſignare voluit.*

Fran. North.
Hugh Wyndham.
Rob. Atkyns.
Will. Scroggs.

Trin.

Trin. *Anno* xxxii. Car. *Secundi Regis.*

Regula generalis quoad Narrationes in ejectione firme in *London* & in Com' *Midd.*

II. *VIcesimo primo* Junii *Ordinat' eſt quod Queren' vel eor' Attorn' ſive partes quæ delibari' fac' Narrationes in placito predicto in dict' Com'* Midd. *& London, ſuper tali deliberatione inde denunciabunt tenen' in poſſeſſione tentor' in queſtione reſpective quod ipſi compareant per Attorn' Cur' hic in defenſione tituli inde initio prox' Termini prox' poſt diberation' Narr' ill' fact' Et ulterius Ordinat' eſt quod queren' predicti de cetero nil capient per Motionem in Cur' hic fiend' ad judicium verſus caſualem ejectorem pro defectu comperencie habend. Niſi hujuſmodi motio fiat infra unam ſeptimanam prox' poſt primum diem cujuſlibet Termini ſancti* Mich. *Et cujuſlibet Termini* Paſche. *Et infra quatuor dies prox' poſt primum diem cujuſlibet Termini ſancti* Hil. *& cujuſlibet Termini ſanctæ* Trin.

per Cur'

Trin.

Trin. *Anno* xxxiii. Car. *Secundi Regis.*

Generalis regula pro Cuſtagiis ſuper proſecutione ad utlagar'

ſſ. *VIceſimo ſecundo* Junii *Ordinat' eſt quod nullus Defendens qui in vel poſt menſem Sancti* Mich. *prox' futur' utlagat' fuit. Ac qui comperebit & utlagar' reverſari faciat ſuper reverſatione ill' ſolvet pro cuſtag' queren' aliquam denarior' Summam exceden' uſual' cuſtagia de Exigend' in iſta Cur' una cum ſine Domino Regi ſuper brevi originali ſi quis ſolut' fuit. Et quod omnia ulteriora Cuſtagia reſpectuant' uſque tempus ſignandi Judicium pro Queren'. Et ulterius Ordinat' eſt quod quilibet Defendens ſic utlagat' & utlagar' illam reverſari faciens ſi Querens ſuper inde non proceſſit infra duos Terminos prox' poſt noticiam reverſationis inde, habebit Cuſtagia per Prothonotarium taxand.*

per Curiam.

Paſch.

Paſch. *Anno* xxxiv. Car. *Secundi Regis.*

Regula generalis de Statuto penali.

ſſ. SExto Maii *Ordinat' eſt quod quandocunque actio per aliquem qui tam &c. pro Domino Rege ſuper aliquo ſtatuto penali proſecut' & triata fuit Et ubi veredictum pro Domino Rege reddit' fuit le poſtea primo die prox' Termini prox' poſt veredictum præd' ſic reddit' per Clericum Aſſiſar' retornat' deliberetur in hanc Cur' ad manus Prothonotarii in cujus Officio cauſa exiſtit & minime parti proſequend' Et quod judicium ſuper inde intretur de Recordo ita quod pars illa penalitat' quæ Domino Regi pertinet debite levari poſſit. Et ulterius Ordinat' eſt quod cum judicium intrat' fuit de Recordo Nota ſive Præcipe Recordi illius cum Numero Rotuli inde deliberetur per Clericum Judicior' Clerico Warrant' hujus Cur' ut ſumma ſive finis ille Domino Regi ſic pertinens per ipſum Clericum Warrant' inter al' in Sum' dicti Domini Regis debite extrahatur Quodque idem Clericus Warrant' pro receptione talis Notæ ſive Præcipe manum ſuam apponet ad papirum Clerici Judicior' pro Judicio pred' intrand.* per Curiam.

Paſch.

Paſch. *Anno* xxxiv. Car. *Secundi Regis.*

Regula pro manu Attorn' general' ad Brevia de Ingreſſu habend'.

ſſ. *Decimo tertio* Maii *Super querimonia* Roberti Sawyer *Militis Attorn' Domini Regis generalis Juſtic' Cur' hic fact' quod quam plurima Brevia de Ingreſſu in le poſt quæ per ipſum ut Attorn' general' ſub manu ſua ſignari debeant per diverſos Attorn' & Clericos hujus Cur' adhuc proſecut' ſunt. Et ſine manu ipſius Attorn' generalis prius habit' affilantur in defraudatione ejuſdem Attorn' de feod' ſuis & contra regulam Cur' hic in ea parte fact' Ordinat' eſt quod Prothonotar' hujus Cur' curam habeant, & quilibet eorum in Officio ſuo reſpective videat cum examinavit aliquod Recuperar' per Breve de Ingreſſu pred' quod Breve illud per pred' Attorn' generalem ſub manu ſua ſignetur Quodque Prothonotarius nullum tale Breve ad affiland' recipiet Niſi per pred' Attorn' ita ſignat' fuit.*

per Curiam.

Paſch. *Anno* xxxiv. Car. *Secundi Regis.*

THe Juſtices of this Court taking notice, and conſidering the great miſchiefs which may and do happen, by reaſon that ſeveral Attorneys and Clarkes of this Court, to whom the Prothonotaries of this Court have delivered Rolls, have not in due time brought them back to be filed, whereby they have been in danger to be loſt, and ſubject to have Judgments unduely entred upon them, to the great damage of Purchaſors, and ſcandal of the Court; for prevention of which miſchiefs it is now ordered, that none of the Prothonotaries of this Court, ſhall hereafter deliver any Roll, or Rolls to any ſuch Attorney or Clarke, who appears to be a Defalter againſt this Order, in not bringing back his Rolls in due time, untill they ſhall have brought in reſpectively ſuch Roll or Rolls that they had delivered unto them, and that it may appear in whoſe cuſtody all Rolls are. It is farther ordered for the

the future, every Attorney or Clarke that ſhall receive any Roll, either Plea, or Common from the reſpective Prothonotaries of this Court, ſhall ſign and ſet his own hand to ſuch Prothonotarie's Book, from whom they ſhall receive the ſame, for the receipt of ſuch Roll or Rolls, and that no Prothonotary do deliver any Rolls to any other, but to the proper hands of ſome known Attorney or Clarke of their reſpective Offices. And it is farther ordered, that the ſaid reſpective Prothonotaries of this Court, do and ſhall the firſt day of every Term for the future, take an account of what Rolls are wanting, of the precedent Term in their reſpective Offices, and ſhall reſpectively render an account thereof to this Court, the ſecond day of the ſucceeding Term, that ſo the Court may take order for the bringing them in. And it is farther ordered, that every Attorney and Clarke of this Court, that ſhall receive any Roll or Rolls as aforeſaid, Plea, or Common of this or any other *Eaſter*-Term for the future, ſhall bring in the ſame to the Office from whence he received the ſame, at or before the firſt day of the next *Trinity*-Term, and that the Rolls received of any *Trinity*-

Term for the future, ſhall be brought into ſuch Office, at or before the Feaſt day of St. *Michael* the *Archangel* next enſuing, the ſaid Term yearly. And that Rolls received of any *Michaelmas*-Term, for the future, ſhall be brought into ſuch Office at or before the ſixth day of *January* next, after the ſaid Term yearly. And that the Rolls received of any *Hillary*-Term for the future, ſhall be brought into ſuch Office, by the ſpace of four days before the Feaſt of *Eaſter* next, after the ſaid Term yearly. And it is farther ordered by this Court, that the Clarke of the Eſſoyns for the future, ſhall not preſume to deliver any poſt Rolls, or other Rolls of this Court, to any Attorney or Clarke of this Court, but to the reſpective Prothonotaries, and other Officers of this Court, that have a right to ſuch Rolls. And if any Attorney or Clarke of this Court, ſhall at any time for the future, preſume to carry any of the Rolls of this Court, into the Country, after they have been delivered to them by the reſpective Officers, to enter cauſes there, contrary to the ancient Rules and Orders of this Court, this Court doth declare, that they will cauſe all the Penal-

ties,

ties to be inflicted on ſuch perſons as ſhall Act to the contrary, and that upon notice of ſuch Offenders, the Court will farther proceed againſt them as contemners of the Rules of this Court.

Fra. North.
Hugh Wyndham.
Job Charlton.
Creſwell Levinz.

FINIS.

A Catalogue of ſome Books, Printed for *Robert Pawlet*, at the Bible in *Chantery-Lane*, near *Fleet-ſtreet*.

THE *Lord Keeper's Speech to Mr. Serjeant* Saunders, *at the time he was Sworn Lord Cheif Juſtice of his Majeſtie's Court of Kings-Bench, Tueſday the* 23d. *of* nuary, 1682.

A Collection of Rules and Orders now uſed in Chancery.

Sir Francis Moor's *Reports.*

Sir Geffrey Palmer's *Reports.*

Baron Savill's *Reports in the Exchequer.*

The Reports of John Aleyn, *late of* Grays-Inn, *Eſq;*

Preſident of Preſidents, wherein there is an Extract of all the general Learning and forms of Preſidents now Extant.

Unity and Peace, or the Duty of the People, in reſpect of Communion with our Church, delivered in two Sermons by Richard Lucas, *Vicar of St.* Stephens Coleman-ſtreet London, 1682.

Villare Anglicum, or a View of all the Cities, Towns, Villages, &c. *In* England *and* Wales, *alphabetically compos'd, ſo that naming any Town or Place, you may readily find in what Shire, Hundred, Rape, Wapentake it is in: Alſo the number of Biſhopricks, and Counties under their ſeveral Juriſdictions, and the Shire-Towns, Burroughs, and Pariſhes in each County, by the appointment of the Eminent Sir* Henry Spelman, *Kt.*

Chriſtian Thoughts, for every day of the Month.

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